

REMARKS

I. **Response to Rejections Under 35 USC §103**

At page 3, item 4 of the Office Action, claims 1-3, 5-10, 12, 20-26, and 28 are rejected under 35 USC §103(a) as being unpatentable over Smith et al. (US Patent number 6,052,669, hereinafter referred to as "Smith") in view of Lazarus et al. (US patent number 6,430,539, hereinafter referred to as "Lazarus"). The applicants respectfully traverse this rejection since Smith teaches away from the use of predictive modeling of consumer financial behavior as disclosed in Lazarus.

In Smith, a graphical user interface supporting a method and system for remote generation of furniture products is disclosed. In Smith, the graphical user interface includes interface objects for obtaining configuration criteria from a user; presenting the user with at least one typical configuration satisfying the criteria; selecting a typical criteria from the at least one typical configuration, and so forth. In Lazarus, predictive modeling of consumer financial behavior is disclosed. Lazarus provides modeling of consumer financial behavior by applying consumer transaction data to predictive models associated with merchant segments. The merchant segments of Lazarus are derived from consumer transaction data based on co-occurrences of merchants in sequences of transactions.

However, at column 7 lines 6-10, Smith teaches that "Generally the custom user interface 118 keeps track of user information *at a project level* [italics added]. For each project the custom user interface 118 gets information from the user and tracks and stores that information as needed". Thus, since user information of Smith is kept track of *at a project level*, and *with no mention of data sharing in between the projects*, the applicants assert that the teachings of Smith are in direct conflict with the teachings of Lazarus, in which, for example at column 3 lines 61-63 (of Lazarus) "as new purchases are made, the consumer vector is updated, preferably decaying the influence of older purchases". Lazarus continues along a similar, long-term data collection theme at column 4 lines 16-19, wherein Lazarus discloses that "In

one embodiment, each predictive model predicts spending in a merchant cluster in a predictive time interval, such as three months, based on historical spending in the cluster in a prior time interval, such as the previous six months."

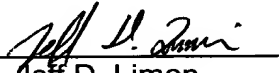
Therefore, the applicants assert that in Smith, information is stored at a *project* level, with no need or capability to store customer information for any other time period. Meanwhile, in Lazarus, longer-term consumer trends are taught, thus conflicting with the project-only information storage aspect of Smith. For this reason, the applicants assert that Smith teaches away from Lazarus.

Accordingly, the applicants believe that the combination of Smith and Lazarus is not a proper combination under the laws of 35 USC 103.

## II. Additional Fees

If any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,  
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